

MILMAN LABUDA LAW GROUP PLLC

**3000 MARCUS AVENUE
SUITE 3W8
LAKE SUCCESS, NY 11042**

**TELEPHONE (516) 328-8899
FACSIMILE (516) 328-0082**

June 5, 2024

VIA ECF

Honorable Orelia E. Merchant, U.S.D.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

**Re: AutoExpo Ent. Inc., et al. v. Omid Elyahou et al.
Case No.: 2:23-cv-09249 (OEM) (ST)**

Dear Judge Merchant:

We represent Plaintiffs AutoExpo Ent. Inc. (“AutoExpo”), Peace Properties LLC (“Peace Properties”), Network Reinsurance Company Inc. (“Network Reinsurance”), Auto Exchange Center, LLC (“AEC”) and Chrome Insurance Agency LLC (“Chrome Insurance”) (collectively, “Plaintiffs”) in the above-action. Defendants Omid Elyahou and SimpSocial, LLC (collectively the “Elyahou Defendants”) and Defendants Avi Eitan, Fifty Seven Consulting Corp. d/b/a Certified Auto Group a/k/a Certified Performance Motors and Fazeeda Kassim (collectively the “Certified Defendants”) made separate motions to dismiss the Complaint. Plaintiffs write to respectfully request: (1) a one-week extension for their time to submit their opposition to Defendants’ respective motions to dismiss, *i.e.*, from the current deadline of June 10, 2024 to June 17, 2024; and (2) because the arguments on the motions to dismiss largely overlap, a five (5) page enlargement of the page limit so that Plaintiffs may file one consolidated memorandum of law in opposition to the both motions to dismiss, rather than submitting a separate (largely repetitive) memorandum of law in opposition to each.

Plaintiffs make these requests in order to efficiently and effectively respond to the various arguments raised by the Defendants in the two motions to dismiss. While both Defendants raise some different arguments, it must be noted that the Elyahou Defendants specifically incorporate by reference the arguments raised by the Certified Defendants in the Certified Defendants’ memorandum of law in support of their motion to dismiss. Thus, in the interest of brevity and to obviate the need for the Court to review two sets of opposition papers, Plaintiffs anticipate submitting one (1) consolidated memorandum of law in opposition to both the Elyahou Defendants’ motion to dismiss and Certified Defendants’ motion to dismiss. Plaintiffs have not made any previous similar requests.

Prior to submission of this letter, Plaintiffs unsuccessfully sought Defendants’ consent to Plaintiffs’ requests herein.

June 5, 2024

Page 2

First, on May 30, 2024, Plaintiffs sought Defendants' agreement to a one-week adjournment of the opposition with a commensurate adjournment for Defendants' reply. But, Defendants would not consent unless Plaintiffs agreed to one-month for Defendants to submit their reply papers. The current briefing schedule provided that Defendants would have two weeks to submit reply papers. Specifically, Defendants stated that the only acceptable extension to the briefing schedule would be opposition due June 17, 2024 and replies due July 18, 2024. Plaintiffs then made multiple attempts to compromise with Defendants but they were unwilling to compromise on this request.

Then, Plaintiffs sought Defendants' consent for an enlargement of the page limitation, by five (5) pages, so that a consolidated opposition could be filed in one brief, rather than two. Defendants also objected to this, but they failed to provide any reason for their objection.¹

Accordingly, Plaintiffs respectfully request: (1) a one-week extension of the briefing schedule of for Plaintiffs to submit their opposition to Defendants' motions to dismiss, from June 10, 2024 to June 17, 2024; and (2) a five-page enlargement of the page limit for Plaintiffs to file one consolidated opposition to Defendants' two separate motions to dismiss.

We thank the Court for its attention to this matter.

Respectfully submitted,

Michael C. Mulè

Michael C. Mulè

cc: Counsel of Record

¹ In light of Defendants' objection to Plaintiffs' request for a brief extension, Plaintiffs have been diligently working to meet the original June 10, 2024 deadline for opposition, but it is clear that a brief extension is necessary. Also, Defendants' refusal to agree to one consolidated opposition brief also necessitates this application.